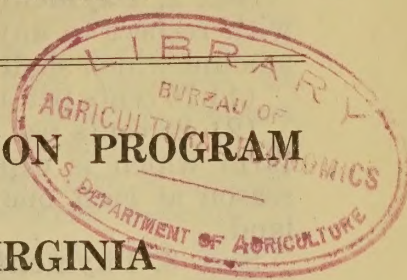


UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION
EAST CENTRAL DIVISION

1938 AGRICULTURAL CONSERVATION PROGRAM
FOR
UPSHUR COUNTY, WEST VIRGINIA



Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of Section 7 (a) of the said Act in 1938, payments and grants of aid will be made in Upshur County, West Virginia, for participation in the 1938 Agricultural Conservation Program in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions of the 1938 Agricultural Conservation Program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact. The making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amount of such payments and grants of aid will necessarily be within the limits finally determined by such appropriation and the extent of national participation. Any increase or decrease in rates of payments and deductions with respect to any item of payment made because of the extent of participation in the program will not exceed 10 percent.

The provisions of the 1938 Agricultural Conservation Program as contained in this bulletin are applicable only in Upshur County, West Virginia.

SECTION 1. Soil-Building Goals.

County Soil-Building Goals.—Insofar as practicable, county goals shall be established for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to preserve and improve soil fertility and to prevent erosion.

Soil-Building Goal for Individual Farms.—The soil-building goal for any farm shall be the number of units of soil-building practices equal to two-thirds of the number of dollars computed for the farm under Section 2. The goal so established shall represent the number of units of applicable practices to be carried out on the farm. A number of units of practices equal to one-half of the number of dollars computed for the farm (under item 2 of Section 2) with respect to noncrop open pasture land are to be carried out on such pasture land.

Insofar as practicable, the county committee shall determine for individual farms practices to be followed in meeting the goal which are not routine farming practices on the farm but which are needed on

the farm in order to preserve and improve soil fertility and prevent erosion, and which will tend to accomplish the goals, if any, established for the county with respect to particular soil-building practices.

SEC. 2. Payment for Full Performance.—Payment will be made with respect to any farm for achieving the soil-building goal in an amount which shall be the sum of the following:

- (1) 70 cents per acre for each acre of cropland.
- (2) 25 cents per acre for fenced noncrop open pasture land in the farm which is capable of maintaining during the normal pasture season at least one animal unit for each five acres of such pasture land.

SEC. 3. Payment for Partial Performance.—The payment for any farm computed under the provisions of Section 2 shall be subject to all of the following deductions which are applicable to the farm:

- (1) \$1.50 for each unit by which the number of units of soil-building practices carried out on pastures is less than the number of units to be carried out on pastures as provided in Section 1.
- (2) \$1.50 for each unit by which the total soil-building goal is not reached, less any units on which deductions are made under item (1) of this Section 3.

SEC. 4. Soil-Depleting Crops.—Land devoted in 1938 to any of the following crops or uses shall be classified as soil-depleting. Land devoted to volunteer crops harvested shall be classified as if such crops were planted.

A. Land planted to corn, truck, and vegetable crops, potatoes, bulbs and flowers, or field beans for harvest in 1938.

B. Land planted to wheat, oats, barley, rye, flax, or mixtures of these crops between August 1, 1937 and July 31, 1938, and harvested for grain or hay.

C. Land planted in 1938 to buckwheat, sweet sorghum, Sudan grass, or millet harvested for hay, grain, seed, syrup, or silage.

SEC. 5. Soil-Building Practices.—The soil-building practices listed in the following schedule shall count toward the achievement of the soil-building goal to the extent indicated therein, when such practices are carried out in 1938 in workmanlike manner and in accordance with good farming practices for the locality.

Practices carried out with labor, seed, trees, and materials furnished entirely by any Federal or State agency other than the Agricultural Adjustment Administration shall not be counted toward the achievement of the soil-building goal. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the Agricultural Adjustment Administration and such portion represents one-half or more of the total cost of carrying out such practice, such practice shall not be counted toward the achievement of the soil-building goal; if such practice represents less than half of the total cost of carrying out such practice, one-half of such practice shall be counted toward the achievement of the soil-building goal.

SCHEDULE OF SOIL-BUILDING PRACTICES

A. Each of the following practices in the amounts specified shall be counted as one unit, provided that, when the materials specified in item 1 or 2 are applied to biennial or perennial legumes,

perennial grasses, winter legumes, or lespedeza, seeded or grown in connection with a soil-depleting crop, only one-half of the material applied shall be counted.

1. Application of 240 pounds of 20 percent superphosphate (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, or permanent pasture, provided that application on noncrop pasture land shall be counted only if such land has been treated since January 1, 1936, with a minimum of 1,000 pounds per acre of ground limestone, or equivalent, or lime was applied between January 1, 1933, and December 31, 1935, and tests show that lime is not required.

2. Application of 200 pounds of 50 percent muriate of potash (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, or permanent pasture.

3. Application of 1,500 pounds of ground limestone (or its equivalent) when applied at a rate of not less than 1,000 pounds per acre.

For purposes of this item 3, 100 pounds of ground oyster shell, 150 pounds of limestone screenings, 70 pounds of hydrated lime, or 50 pounds of burned lime, shall be considered, respectively, to be equivalent to 100 pounds of ground limestone.

4. Each acre seeded to alfalfa, approved red clover, alsike clover, sweet clover, white clover, bluegrass, orchard grass, vetch, crimson clover, annual lespedeza, annual ryegrass, or mixtures of such legumes and perennial grasses other than a mixture consisting solely of timothy and redtop; provided the land has been treated since January 1, 1937, with a minimum of 200 pounds per acre of 20 percent superphosphate, or equivalent, and since January 1, 1936, with a minimum of 2,000 pounds per acre of ground limestone or equivalent, or lime was applied between January 1, 1933, and December 31, 1935, and tests show that lime is not required.

5. Each acre of green manure crops; soybeans, cowpeas, crimson clover, vetch, rye, barley, wheat, buckwheat, oats, Sudan grass, millet, sorghum, or mixtures of any two or more of such crops, of which a good stand and good growth is plowed or disked under as green manure.

6. Each two acres seeded to timothy or redtop or a mixture consisting solely of timothy and redtop.

7. With prior approval of the county committee, each four acres of strip cropping.

B. Each acre of the following shall be counted as two units:

1. With prior approval of the county committee, improving a stand of forest trees under such approved system of farm woodlot management as is specified by the Agricultural Adjustment Administration.

C. Each acre of the following shall be counted as five units:

1. Planting forest trees, provided such trees are protected and cultivated in accordance with good tree-culture practice.

SEC. 6. Division of Payments.—The amount of payment earned in connection with the soil-building goal for the farm shall be paid to the landlord, tenant, or sharecropper who carried out the soil-building practices. If the county committee determines that more than one such person contributed to the carrying-out of soil-building practices on the farm in 1938, such payment shall be divided in the

proportion that the units contributed by each such person to such practices bears to the total units of such practices carried out on the farm in 1938. Each person contributing to the practice carried out on a particular acreage shall be deemed to have contributed equally to the units of such practice unless such persons establish to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion, in which event such unit shall be divided in the proportion which the county committee determines each such person contributed thereto.

SEC. 7. Increase in Small Payments.—The total payment computed under Sections 2 to 6, inclusive, for any person with respect to any farm shall be increased as follows:

(1) Any payment amounting to 71 cents or less shall be increased to \$1.00;

(2) Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;

(3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to \$1.99	\$0. 40	\$32.00 to \$32.99	\$10. 40
\$2.00 to \$2.99	. 80	\$33.00 to \$33.99	10. 60
\$3.00 to \$3.99	1. 20	\$34.00 to \$34.99	10. 80
\$4.00 to \$4.99	1. 60	\$35.00 to \$35.99	11. 00
\$5.00 to \$5.99	2. 00	\$36.00 to \$36.99	11. 20
\$6.00 to \$6.99	2. 40	\$37.00 to \$37.99	11. 40
\$7.00 to \$7.99	2. 80	\$38.00 to \$38.99	11. 60
\$8.00 to \$8.99	3. 20	\$39.00 to \$39.99	11. 80
\$9.00 to \$9.99	3. 60	\$40.00 to \$40.99	12. 00
\$10.00 to \$10.99	4. 00	\$41.00 to \$41.99	12. 10
\$11.00 to \$11.99	4. 40	\$42.00 to \$42.99	12. 20
\$12.00 to \$12.99	4. 80	\$43.00 to \$43.99	12. 30
\$13.00 to \$13.99	5. 20	\$44.00 to \$44.99	12. 40
\$14.00 to \$14.99	5. 60	\$45.00 to \$45.99	12. 50
\$15.00 to \$15.99	6. 00	\$46.00 to \$46.99	12. 60
\$16.00 to \$16.99	6. 40	\$47.00 to \$47.99	12. 70
\$17.00 to \$17.99	6. 80	\$48.00 to \$48.99	12. 80
\$18.00 to \$18.99	7. 20	\$49.00 to \$49.99	12. 90
\$19.00 to \$19.99	7. 60	\$50.00 to \$50.99	13. 00
\$20.00 to \$20.99	8. 00	\$51.00 to \$51.99	13. 10
\$21.00 to \$21.99	8. 20	\$52.00 to \$52.99	13. 20
\$22.00 to \$22.99	8. 40	\$53.00 to \$53.99	13. 30
\$23.00 to \$23.99	8. 60	\$54.00 to \$54.99	13. 40
\$24.00 to \$24.99	8. 80	\$55.00 to \$55.99	13. 50
\$25.00 to \$25.99	9. 00	\$56.00 to \$56.99	13. 60
\$26.00 to \$26.99	9. 20	\$57.00 to \$57.99	13. 70
\$27.00 to \$27.99	9. 40	\$58.00 to \$58.99	13. 80
\$28.00 to \$28.99	9. 60	\$59.00 to \$59.99	13. 90
\$29.00 to \$29.99	9. 80	\$60.00 to \$185.99	14. 00
\$30.00 to \$30.99	10. 00	\$186.00 to \$199.99	(1)
\$31.00 to \$31.99	10. 20	\$200.00 and over	(2)

¹ Increase to \$200.00.

² No increase.

SEC. 8. Materials Furnished as Grants of Aid.—Wherever it is found practicable limestone, superphosphate, trees, seeds, and other materials may upon request of the producer be furnished by the Agricultural Adjustment Administration as grants of aid to be used

in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. Whenever such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate cost of such material to the Agricultural Adjustment Administration. Such deduction shall be applied first to the payment computed for the person to whom such materials are furnished, and the balance, if any, of such deduction shall be prorated among the payments to other persons sharing in the payment with respect to the farm on which such materials were used.

In making a request for materials pursuant to this section, the producer to whom such materials are furnished shall agree that in the event the amount of the deduction for the materials exceeds the amount of the payment with respect to the farm, the amount of such difference shall be repaid by him to the Secretary.

SEC. 9. General Provisions.

A. Payment restricted to effectuation of purposes of the program.—All or any part of any payment which otherwise would be made to any person under the 1938 Agricultural Conservation Program may be withheld:

(1) If he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the program;

(2) If, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized; or

(3) If, with respect to forest land or woodland owned or controlled by him, he wilfully burns over or allows to be burned over his woodland or any material portion thereof (failure to attempt to suppress any such woods fire will be considered as intentional burning) or, clear-cuts or allows to be clear-cut his present stand of timber below a minimum diameter on the stump of approximately 10" for coniferous species, and approximately 14" for hardwood species except (1) where clear-cutting of undesirable species is followed by planting of forest trees of desirable species, (2) where the clearing is for needed cropland, or (3) other special cases approved by the county committee in accordance with instructions issued by the State committee. This provision will not prohibit cutting a limited number of selected trees of smaller size in places where the stand is dense.

B. Payment computed and made without regard to claims.—Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection D of this Section 9) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

C. Deduction for Association expenses.—There shall be deducted pro rata from the payments with respect to any farm all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the Upshur County Agricultural Conservation Association.

D. Assignments.—Any person who may be entitled to any payment in connection with the 1938 Agricultural Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop

in 1938. No such assignment will be recognized unless (1) the assignment is made in writing on a form prescribed by the Agricultural Adjustment Administration and is acknowledged by the farmer before the county agricultural extension agent and filed with such agent; (2) the farmer files with the assignment an affidavit showing that the assignment is made to pay or secure an indebtedness incurred in connection with financing the making of a 1938 crop and not to pay or secure any pre-existing indebtedness; and (3) the person to whom such assignment is made certifies that the payment is being assigned without discount for such purpose.

Nothing in the provisions of this section shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.

E. Persons eligible to file applications for payment.—Any application for payment with respect to a farm may be made by any person for whom, under the provisions of Section 6, a share in the payment with respect to the farm may be computed.

F. Schemes or devices to deprive persons of payments.—If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1938 Agricultural Conservation Program has employed any scheme or device, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1938 Agricultural Conservation Program.

G. Time and manner of filing application and information required.—Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Regional Director. At least two weeks notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

H. Appeals.—Any person may request the county committee in writing to reconsider its determination with respect to any matter affecting the right to or the amount of his payment under the program, within 15 days after notice of the determination is forwarded to or made available to him. After reconsideration by the county committee, an appeal may be made to the State committee and to the Regional Director.

I. Instructions and forms.—The Agricultural Adjustment Administration will prepare and issue such instructions and forms as may be required in administering the 1938 Agricultural Conservation Program for Upshur County, West Virginia.

SEC. 10. Definitions.—For the purposes of the 1938 Agricultural Conservation Program for Upshur County:

Secretary means the Secretary of Agriculture of the United States.

Regional Director means the director of the East Central Division of the Agricultural Adjustment Administration.

East Central Region means the area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, and West Virginia.

State Committee means the group of persons designated within the State of West Virginia to assist in the administration of the 1938 Agricultural Conservation Program in the State.

County Committee means the group of persons elected within Upshur County to assist in the administration of the 1938 Agricultural Conservation Program in the county.

Person means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

Farm means all adjacent or nearby farm land under the same ownership which is operated by one person.

Cropland means farm land which is tilled annually or in a regular rotation, including also land planted to orchards other than abandoned orchards.

Landlord means a person who owns land and rents such land to another person or operates such land.

Sharecropper means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or the proceeds thereof.

Tenant means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

Noncrop Open Pasture means pasture land (other than rotation pasture land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

Animal Unit means one cow, one horse, five sheep, or five goats, two calves, or two colts, or the equivalent thereof.



Done at Washington, D. C., this 12th day of April, 1938. Witness my hand and the seal of the Department of Agriculture.

H. Wallace

Secretary of Agriculture.

